

SECOND REGULAR SESSION

HOUSE BILL NO. 2058

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SHOEMYER (9), KREIDER, SMITH,
CARNAHAN (Co-sponsors) AND FARNEN.

Read 1st time February 26, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4887L.011

AN ACT

To repeal section 281.260, RSMo, and to enact in lieu thereof nine new sections relating to Breimyer Center for Sustainable Food and Farming Systems.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 281.260, RSMo, is repealed and nine new sections enacted in lieu thereof, to be known as sections 262.750, 262.753, 262.756, 262.759, 262.762, 262.764, 262.765, 281.215 and 281.260 to read as follows:

262.750. As used in sections 262.750 to 262.762 the following terms shall mean:

- (1) "Breimyer center", the Breimyer center for sustainable food and farming systems established by section 262.753;**
- (2) "Community food systems", community-built institutions to ensure production, processing, access and availability of food for community residents, including but not limited to farmers markets, direct marketing arrangements between retailers and farmers, community gardens, value-added processing of farm products and other initiatives designed to enhance the income of farmers while providing fresh, locally grown food to consumers;**
- (3) "Family farms and family farmers", those farms defined in subdivisions (4) and (5) of section 350.010, RSMo;**
- (4) "Food security", all persons having access at all times to culturally acceptable, nutritionally adequate food through local nonemergency sources;**
- (5) "Sustainable family farm agriculture", a system of agriculture based on family owned and operated farms that can be sustained from one generation to the next by**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 respecting the natural resource base of farming utilizing renewable energy sources when
17 feasible, encouraging the social and economic vitality of local rural communities, providing
18 family farmers with an economic livelihood and ensuring consumers with safe, nutritious
19 food, including food produced for local and regional markets.

262.753. 1. The "Breimyer Center for Sustainable Food and Farming Systems" is
2 hereby created as a type II entity, as defined in the Reorganization Act of 1974, within the
3 Missouri department of agriculture. It shall be the purpose of the Breimyer center to assist
4 family farms by promoting sustainable family farm agriculture, community food systems
5 and food security in Missouri. The Breimyer center will provide assistance, including but
6 not limited to, the following:

7 (1) To promote an understanding of sustainable family farm agriculture and
8 community food systems, including public policies, research, technologies, market
9 opportunities and community resources required for such agriculture and community food
10 systems, among farmers, food retailers, governmental agencies, universities and colleges,
11 businesses, not-for-profit organizations and the general public through education and
12 extension programs, public outreach and other means;

13 (2) To review, act as a liaison and advocate the interests of family farmers and
14 sustainable family farm agriculture, community food systems and food security in federal,
15 state and local laws, regulations and ordinances related to food quality and safety,
16 agriculture, environmental protection and community economic development;

17 (3) To support, sponsor and advocate research in the public interest relating to
18 sustainable family farm agriculture, community food systems and food security, including
19 but not limited to, the provision of sustainable agriculture demonstration grants to family
20 farms, educational institutions and related not-for-profit sustainable agricultural
21 organizations which adopt sustainable farming practices and technologies for
22 demonstration to others;

23 (4) To promote, provide technical assistance and cooperate in rural economic
24 development, natural resource conservation policies, and agricultural programs that will
25 enhance sustainable family farm agriculture, community food systems, and food security
26 in Missouri; and to review, and comment upon economic development programs initiated
27 by the Missouri department of economic development; the applicability of environmental
28 regulations proposed by the federal Environmental Protection Agency, the Missouri
29 department of natural resources or others; and the applicability of regulations and
30 programs proposed by the United States Department of Agriculture and the Missouri
31 department of agriculture;

32 (5) To develop programs, policies, initiatives and projects that enhance sustainable

33 family agriculture, community food systems and food security in Missouri and to assist in
34 any other legitimate purpose deemed necessary by the governing board to protect, sustain,
35 enhance or expand sustainable family farm agriculture and community food systems in
36 Missouri;

37 (6) To keep farmers, consumers and others apprised of all proposed statutes, rules
38 and regulations at the state and federal levels, assess their potential economic, ecological
39 and social impacts on Missouri's farms, rural communities and on the viability of local and
40 regional food systems;

41 (7) To provide necessary legal information for individuals or groups to challenge
42 existing or proposed statutes, rules and regulations:

43 (a) Which unnecessarily restrict the economic viability of family farms while
44 providing negligible environmental or social benefits; and

45 (b) Which fail to promote sustainable family farm agriculture and community food
46 systems.

47 2. When the governing board determines that it is necessary to challenge original
48 actions at the federal or state level, the Breimyer center shall adhere to the following
49 procedure:

50 (1) Attempt to resolve the action or dispute through informal negotiations;

51 (2) Utilize informal or formal dispute resolution procedures; and

52 (3) Exhaust administrative remedies including testifying before the joint committee
53 on administrative rules.

54

55 The governing board shall have discretion to review, challenge or refrain from reviewing
56 or challenging the sustainable or family farm interests, community food systems interests
57 and food security interests in any proceeding. The board shall consider, in exercising its
58 discretion, the importance and the extent of the sustainable or family farm, community
59 food systems and food security interests involved and whether that interest would be
60 adequately represented without the action of its office.

262.756. There shall be an executive director of the Breimyer center, within the
2 limits of the appropriations and other funding sources, to carry out the mission and
3 purpose of the Breimyer center. At least one of the staff shall be an attorney licensed to
4 practice in Missouri and other jurisdictions deemed necessary by the governing board.
5 The executive director and staff will be employed to effect the purposes of section 262.753.
6 The Breimyer center may be housed primarily at the University of Missouri-Columbia.

262.759. 1. The "Breimyer Center for Sustainable Food and Farming Systems
2 Governing Board" is created and shall consist of six persons actively engaged in

3 sustainable family farm agriculture and three persons actively engaged in the development
4 of community food systems who shall be appointed by the governor with the advice and
5 consent of the senate.

6 2. The initial terms of appointment for the members of the governing board
7 appointed by the governor shall be as follows: two members actively engaged in
8 sustainable family farm agriculture and one person actively engaged in the development
9 of community food systems shall be appointed for a term of one year, two members actively
10 engaged in sustainable family farm agriculture and one person actively engaged in the
11 development of community food systems shall be appointed to terms of two years and two
12 members actively engaged in sustainable family farm agriculture and one person actively
13 engaged in the development of community food systems shall be appointed for terms of
14 three years. After the expiration of the initial members' terms, all appointments shall be
15 for a term of six years, except that any member appointed to fill a vacancy of an unexpired
16 term shall be appointed for the remainder of such term. Not more than one-half of the
17 governing board members appointed by the governor shall be from the same political
18 party.

19 3. The governing board officers shall consist of the president, vice president,
20 secretary and treasurer.

262.762. 1. The governing board shall establish its own procedures and
2 requirements with respect to quorum, place and conduct of its meetings and other matters.
3 The governing board shall meet at least four times each year and shall hold meetings when
4 called by the president, or, in the absence of the president, by the vice president, or upon
5 the written request of five members of the governing board. The governing board with the
6 assistance of the advisory council shall inform the public about sustainable food and
7 farming innovations, methods, procedures and information; local, state, and federal
8 statutes, laws, rules, regulations, ordinances, case law, executive orders and all other
9 sources of law which are relevant to sustainable food and farming; and all other
10 information the governing board perceives as pertinent to sustainable food and farming,
11 community food systems and food security. The governing board with the assistance of the
12 advisory council shall act to develop, present and implement through the staff of the
13 Breimyer center the duties and responsibilities listed in section 262.753. The members of
14 the governing board shall serve without compensation but shall be entitled to their actual
15 expenses incurred in attending meetings and in the performance of their duties.

16 2. The governing board shall elect the officers by majority vote of the governing
17 board and appoint the executive director of the Breimyer center, fix the conditions of his
18 or her employment and tenure in office, in accordance with the laws of the state of

19 Missouri, and shall be responsible for the efficient discharge of his or her duties. The
20 executive director, with the advice and consent of the governing board, shall employ the
21 persons needed to carry out the duties of the office and shall fix their compensation within
22 the total sum of money available from appropriations, and from all other available sources,
23 including but not limited to, federal, state, local and private grants, gifts, contributions and
24 fees.

262.764. 1. The "Breimyer Center for Sustainable Food and Farming Systems
2 Nonvoting Advisory Council" is hereby created and shall consist of the governor or his or
3 her designee; the director of the department of economic development, or his or her
4 designee; the director of the department of natural resources, or his or her designee; the
5 dean of the University of Missouri-Columbia College of Agriculture, Food and Natural
6 Resources, or his or her designee; the chairperson of the University of Missouri-Columbia
7 Department of Rural Sociology and the director of sustainable farm and food systems
8 governing board, or his or her designee.

9 2. The nonvoting advisory council shall meet at times prescribed by the governing
10 board and shall support the mission and purposes of the Breimyer center for sustainable
11 food and farming systems.

262.765. 1. There is hereby established in the state treasury the "Breimyer Center
2 for Sustainable Food and Farming Systems Fund".

3 2. Any moneys received from sources other than appropriation by the general
4 assembly, including from private sources, gifts, donations and grants, shall be credited to
5 the Breimyer center sustainable food and farming institute fund and shall be appropriated
6 by the general assembly.

7 3. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys
8 in the Breimyer center for sustainable food and farming institute fund shall not be
9 transferred and placed to the credit of the general revenue fund.

281.215. 1. There is hereby created in the state treasury the "Pesticide Project
2 Fund". The moneys in the fund shall be used for the funding of pest-related issues as
3 determined by the director.

4 2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys
5 in the pesticide project fund shall not be transferred and placed to the credit of the general
6 revenue fund.

281.260. 1. Every pesticide which is distributed, sold, offered for sale or held for sale
2 within this state, or which is delivered for transportation or transported in intrastate commerce
3 or between points within this state through any point outside of this state, shall be registered in
4 the office of the director, and the registration shall be renewed annually.

5 2. The registrant shall file with the director a statement including:

6 (1) The name and address of the registrant and the name and address of the person whose
7 name will appear on the label, if other than the registrant;

8 (2) The name of the pesticide;

9 (3) Classification of the pesticide; and

10 (4) A complete copy of the labeling accompanying the pesticide and a statement of all
11 claims to be made for it, including directions for use.

12 3. The registrant shall pay an annual fee of [fifteen] **one hundred fifty** dollars for each
13 product registered in any calendar year or part thereof. [The fee] **All pesticide registration fees**
14 shall be deposited in the state treasury [to the credit of the general revenue] **and shall be**
15 **credited as follows:**

16 (1) **One third to the pesticide project fund established pursuant to section 281.215;**
17 **and**

18 (2) **Two thirds to the Breimyer center for sustainable food and farming systems**
19 **fund established pursuant to section 262.765, RSMo.**

20

21 All such registrations shall expire on December thirty-first of any one year, unless sooner
22 canceled. A registration for a special local need pursuant to subsection 6 of this section, which
23 is disapproved by the federal government, shall expire on the effective date of the disapproval.

24 4. Any registration approved by the director and in effect on the thirty-first day of
25 December for which a renewal application has been made and the proper fee paid shall continue
26 in full force and effect until such time as the director notifies the applicant that the registration
27 has been renewed, or otherwise denied, in accord with the provisions of subsection 8 of this
28 section. Forms for reregistration shall be mailed to registrants at least ninety days prior to the
29 expiration date.

30 5. If the renewal of a pesticide registration is not filed prior to January first of any one
31 year, an additional fee of [five] **twenty-five** dollars shall be assessed and added to the original
32 fee and shall be paid by the applicant before the registration renewal for that pesticide shall be
33 issued; provided, that, such additional fee shall not apply if the applicant furnishes an affidavit
34 certifying that he **or she** did not distribute such unregistered pesticide during the period of
35 nonregistration. The payment of such additional fee is not a bar to any prosecution for doing
36 business without proper registry.

37 6. Provided the state complies with requirements of the federal government to register
38 pesticides to meet special local needs, the director shall require that registrants comply with
39 sections 281.210 to 281.310 and pertinent federal laws and regulations. Where two or more
40 pesticides meet the requirements of this subsection, one shall not be registered in preference to

41 the other.

42 7. The director may require the submission of the complete formula of any pesticide to
43 approve or deny product registration. If it appears to the director that the composition and
44 efficacy of the pesticide is such as to warrant the proposed claims for it and if the pesticide and
45 its labeling and other material required to be submitted comply with the requirements of sections
46 281.210 to 281.310, [he] **the director** shall register the pesticide.

47 8. **The director, after opportunity for hearing, may deny, cancel, suspend or revoke**
48 **a pesticide registration if, after consideration to pertinent research findings and**
49 **recommendations of other agencies of this state, the federal government or other reliable**
50 **sources, the pesticide may cause damage or injury, or is considered dangerous or harmful**
51 **to persons or the environment.**

52 9. Provided the state is authorized to issue experimental use permits, the director may:

53 (1) Issue an experimental use permit to any person applying for an experimental use
54 permit if [he] **the director** determines that the applicant needs such permit in order to
55 accumulate information necessary to register a pesticide [under] **pursuant to** sections 263.269
56 to 263.380. An application for an experimental use permit may be filed at the time of or before
57 or after an application for registration is filed;

58 (2) Prescribe terms, conditions, and period of time for the experimental permit which
59 shall be under the supervision of the director;

60 (3) Revoke any experimental permit, at any time, if [he] **the director** finds that its terms
61 or conditions are being violated, or that its terms and conditions are inadequate to avoid
62 unreasonable adverse effects on the environment.

63 [9.] 10. If it does not appear to the director that the pesticide is such as to warrant the
64 proposed claims for it or if the pesticide and its labeling and other material required to be
65 submitted do not comply with the provisions of sections 281.210 to 281.310 or with federal laws,
66 [he] **the director** shall notify the registrant of the manner in which the pesticide, labeling, or
67 other material required to be submitted fail to comply with sections 281.210 to 281.310 or with
68 federal laws so as to afford the registrant an opportunity to make the necessary corrections. If,
69 upon receipt of such notice, the registrant insists that such corrections are not necessary and
70 requests in writing that the pesticide be registered or, in the case of a pesticide that is already
71 registered, that it not be canceled, the director, within ninety days, shall hold a public hearing to
72 determine if the pesticide in question should be registered or canceled. If, after such hearing, it
73 is determined that the pesticide should not be registered or that its registration should be
74 canceled, the director may refuse registration or cancel an existing registration until the required
75 label changes are accomplished. If the pesticide is shown to be in compliance with sections
76 281.210 to 281.310 and federal laws, the pesticide will be registered. Any appeals resulting from

77 administrative decisions by the director will be taken in accordance with sections 536.100 to
78 536.140, RSMo.

79 [10.] **11.** Notwithstanding any other provision of sections 281.210 to 281.310,
80 registration is not required in the case of a pesticide shipped from one plant or warehouse within
81 this state to another plant or warehouse within this state when such plants are operated by the
82 same persons.

83 [11.] **12.** The director shall not make any lack of essentiality a criterion for denying
84 registration of a pesticide except where none of the labeled uses are present in the state. Where
85 two or more pesticides meet the requirements of sections 281.210 to 281.310, one shall not be
86 registered in preference to the other.